ENGLISH MARTYRS' CATHOLIC PRIMARY SCHOOL

Complaints Policy

2026-2028

Our English Martyrs' School community aims to follow the example of Christ in welcoming, recognising, fostering and developing each individual as a unique and special gift of GOD with value and dignity

1 Introduction

1.1 By law, since 1 September 2003, all governing bodies must adopt a Complaints Policy to enable complaints received from parents and others who do not work at the school to be dealt with effectively. The law requires the complaints procedure to be publicised. DfES guidance is available on www.governornet.co.uk.

1.2 Governing bodies may adopt a policy different from this model, if they wish. Those governing bodies which do not adopt the Southwark model are asked to send a copy of their policy to the LEA's Governor Development Manager.

1.3 Governors should satisfy themselves that third party providers of community facilities or services and those using the school's premises in any way have their own complaints procedure.

1.4 Complaints from members of staff will not be dealt with under this policy. Staff must use the Grievance policy instead, a copy of which will be provided by the Headteacher, on request.

1.5 Interpretation:

a) All references to parents includes prime carers and legal guardians

b) All reference to "days" in this policy means ordinary working school days and excludes training days, bank holidays and days on which the school is closed for whatever reason.

1.6 If assistance with translation or writing is required, the school is responsible for making appropriate arrangements.

1.7 All complaints will be dealt with in confidence and matters put to the governors' complaints committee will remain confidential to those governors.

1.8 The form in appendix 1 must be completed if a complainant wishes to move to stages 3 (headteacher) or 4 (governors). The matter cannot progress without a completed form.

1.9 The governors will not consider a matter that has not already been investigated at stage 3.

2 Complaints about staff employed to work at a school

2.1 The headteacher of a school is responsible for the day to day management of the school and is the line manager of the staff employed in the school. Because of this, all complaints must be put to the headteacher first so that s/he can investigate them.

2.2 The headteacher may decide that a complaint should be dealt with under the separate Staff Capability or Disciplinary policies adopted by the governors. In this case, it is the head's responsibility to start those procedures. Personnel matters are confidential.

2.3 If the headteacher decides that this complaints policy applies, but there is a possibility that it could in the future lead to capability or disciplinary proceedings, the Head must advise the staff member of that possibility.

2.4 A member of staff against whom a complaint has been made should be given a copy of the complaint and informed that the headteacher will investigate it. They should be informed that they may be accompanied by a friend or trades union representative to the interview.

3 Complaints about the headteacher

3.1 If a complaint is about the headteacher, the same procedure applies but, the Complainant should go straight to stage 3 of this policy. Part 1 of the form in appendix 1 must be completed and sent either to the chair or clerk of the governing body.

4 Complaints about a governor

4.1 If a complaint is about the chair of the governing body, the complainant should go straight to stage 3 of this policy. Part 1 of the form in appendix 1 must be completed and sent either to the vice chair or the clerk to the governing body.

4.2 If a complaint is about another governor, the complainant should go straight to stage 3 of this policy. Part 1 of the form in appendix 1 must be completed and sent either to the chair or the clerk to the governing body.

4.3 Governors, particularly those who are parents of children in the school and/or who know staff members who are involved personally, are urged to consider any potential conflict of interest before and during an investigation, and to discuss any concerns with the clerk, who is best placed to give impartial advice.

5 Concerns or complaints put direct to a governor

5.1 Governors are reminded that they have collective responsibility and it is important that a governor receiving a complaint does not act or try to resolve it alone. Failure to comply with this policy and refer matters to the appropriate person can adversely affect the school's relationship with parents/carers and may have serious consequences. It will also bar the governor from sitting on a committee at a later stage.

5.2 Complaints must not be discussed by governors outside of the procedures under this policy (including discussion at governing body meetings). Such action may compromise the impartiality of any committee member.

6 General principles of this complaints policy

6.1 The aim of the policy is to bring about a resolution and/or reconciliation, as informally and quickly as may be reasonably possible.

6.2 It is intended to be investigatory, not adversarial, and to allow an impartial andfair investigation to be undertaken.

6.3 Complaints about a former member of staff will not normally be considered if it is more than three months since they stopped working at the school, unless there are exceptional circumstances.

6.4 If the complainant or a witness during introduces an additional or separate, complaint any stage of the investigation, that complaint must be referred for initial investigation by the head or governor as a separate matter.

6.5 A concern or complaint should be considered as soon as practicable.

6.6 Those investigating a concern or complaint should endeavor to address all of the points, provide an effective response and, where necessary, appropriate redress. This many include providing information to the school's senior management team so that improvements can be made.

6.7 Information about children is confidential. Parents wishing to see a child's file must make an appointment with the headteacher in the proper way, at a mutually convenient time, at the school.

6.8 Confidential personal documents relating to members of staff will not be disclosed.

6.9 Ideally, governors involved with the complaints process should receive training.

7 The role of the clerk is to

7.1 Send a copy of the governors' complaints procedure to a complainant on request and advise the complainant on the procedure.

7.2 Advise the headteacher and chair of governors that a complaint has been received, the action s/he has taken and on the procedure.

7.3 Advise the headteacher on the content of his/her summary report for the governors and other procedural matters, if a complaint proceeds to stage 4.

7.4 Provide advice and guidance to the governors throughout.

7.5 On request from the chair, arrange the stage 4 meeting and issue documents to all parties within the guidelines.

7.6 Bring the parties and witnesses into the meeting when requested by the chair.

7.7 Advise on the conduct of the meeting.

7.8 Notify the parties of the committee's decision.

8 Summary of the procedures to be followed for concerns or complaints falling under this policy.

Stage 1 The person who has a concern should arrange to talk directly with the staff member concerned informally about their concern. It is anticipated that the majority of concerns will be resolved at this point.

Stage 2 If the concern is not resolved, the complainant should ask for a more formal meeting with the staff member to discuss it in more detail. This will normally be arranged within three working days. If, unfortunately, the complainant is not satisfied with the outcome, s/he must put the complaint in writing to the Headteacher, using part 1 of the form in Appendix 1, within three calendar months of the incident.

Stage 3 The Head will investigate and write to the complainant with his/her decision. If the complainant is not satisfied with the outcome of the headteacher's investigation or with the way in which the headteacher investigated it, they may ask the governors' complaints committee to consider those matters, in the nature of an appeal. The reasons for dissatisfaction must be put in writing on the form in Appendix 1 and will provide the focus of the governors' meeting.

Stage 4 The governors' complaints committee provides a school based appeal and will consider the reasons for the complainant's dissatisfaction. The governors will not reconsider the whole investigation at stages 1, 2 or 3. They will focus on the reasons for the complainants' dissatisfaction that have been given in writing on the form in Appendix 1. This committee has no power to consider matters falling under other policies. The decision of the complaints committee is final.

9 Resolving a concern or complaint

9.1 Options for resolving the concern or complaint include:

a) An acknowledgement that the complaint is valid in whole or in part

b) An explanation

c) An admission that something could have been handled differently or better

d) An explanation of the steps taken as a result, to ensure that the situation does not recur

e) Confirmation that the policy will be reviewed in the light of the concern or complaint

f) An apology.

9.2 Options for the Complaints committee at stage 4 include the above, and/or to:

i) Dismiss the complaint in whole or in part

ii) Uphold the complaint in whole or in part

iii) Refer a complaint back to the headteacher in whole or in part to deal with under the capability, disciplinary or other policies

iv) Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur, including the introduction of a complaint recording and monitoring system.

10 Stage 1 – Informal, directly to the staff member concerned

1. It is clear that the majority of concerns or complaints are resolved informally. Most can be resolved easily through simple clarification or exchanging information.

2. If at stages 1 or 2 the complainant feels s/he would have difficulty discussing the matter with a particular staff member, they should be referred to headteacher, who can ask another member of staff to consider the complaint objectively and impartially, with a view to resolving it.

3. If the concern or complaint is serious or outside the staff member's responsibility, the complainant should be asked to make an appointment to speak directly to the headteacher. The staff member should alert the head on the matter without delay.

4. If a concern or complaint relates to an extended school provision, the person with the concern must be referred to that provider. Members of staff must not become involved in such matters.

Stage 1	1	A concern can be expressed in person, by telephone or in writing. The concerned person should tell the member of staff that they want to talk about a concern.
	2	In most cases, the matter will be resolved satisfactorily on the spot.
	3	The concern becomes a complaint if the person concerned remains unhappy and wishes to take matters further. They should ask the member of staff for a more formal meeting when their complaint can be discussed fully.

11 Stage 2 - more formal, direct to the staff member concerned

Stage 2	1	The staff member will normally arrange to meet the complainant within three working days, at a mutually convenient time, in the school, in private and relaxed surroundings, to listen to the complaint with the aim of trying to resolve it.
	2	If the complaint cannot be resolved and the complainant remains unhappy, the staff member must notify the headteacher of the matter within two working days.

To move to the next stage of the procedure, the complainant must complete part 1 of the form in Appendix 1 and, within three months of the original incident, either

A. give it to the headteacher, or
B. if the complaint relates to the headteacher, send it to either the chair or the clerk of the governing body, or
C. if it relates to the chair of the governing body, send it to either the vice chair or the clerk, or
D. if it relates to another governor, send it to either the chair or the clerk of the governing body.

12 Stage 3 – Investigation by the headteacher

Notes:

1. The head will decide whether a complaint should be dealt with under this policy or another.
2. If the complaint needs to be dealt with under another policy, the head will write to tell the complainant giving this decision within 7 school days and saying that s/he will deal with it as the manager.
3. The National Association of Headteachers (NAHT), www.naht.org.uk has a range of model letters thatHeadteachers may wish to use.

For complaints that fall partly or wholly within this complaints policy, the procedure is given below.

Within (school working days):

5 days	Acknowledge receipt of the written complaint in writing or orally. Ask the complainant if they have any questions about the procedure and deal with them
a further 10 days	write to either (a) give the result of the investigation, or (b) explain why this cannot be achieved within the 10 working days and give a revised target date In giving the result, the head's letter should include (i) A summary of the findings (ii) The decision reached and the reasons for it (iii) The action being taken in consequence (excluding confidential action) (iv) The way in which the complainant should proceed within 15 days, if they are dissatisfied with the outcome (v) If a member of staff was the subject of the complaint, tell them the outcome orally and in writing, and that the head's enquiry into the complaint has now concluded.
within the 15 days	If the complainant is dissatisfied with the headteacher's decision and/or the way in which s/he investigated the complaint and wishes the governors to consider the reason for their dissatisfaction, the complainant must complete part 2 of the form in Appendix 1 and send it to the chair or clerk of the governing body
after those 15 days	If part 2 of the form in Appendix 1 has not be received by the chair or clerk within 15 days of the date on the headteacher's decision letter, it will be assumed that the complaint has been resolved and laid to rest.

On receipt of a request to proceed to Stage 4 on the form in Appendix 1, the chair or clerk of the governing body should acknowledge receipt, preferably in writing. The chair should ask the clerk of the governors Complaints committee to arrange a "Stage 4" committee meeting – see below.

13 Stage 4 – Governors' complaints committee hearing

The clerk will:

within 5 days of receipt	Write to the complainant to acknowledge receipt of their complaint. This letter should (a) Confirm that a meeting of the governors' complaints committee will be arranged within 20 working days of the date of receipt, and (b) Request copies of any supporting information, the names of any witness(es) they wish to call and their written, signed and dated statement(s) by noon on a specific cut off time and date (usually 7 working days), and (c) Advise of their right to be accompanied to the meeting by a friend/adviser/interpreter and that it is the complainant's responsibility to give copies of any documents to their friend/adviser/interpreter. Any delay in the complainant doing so, will not affect the proceedings. (d) Enclose a copy of the complaints policy adopted by the Governors and, if part 2 of the form in Appendix 1 has not been completed, ask for it to be completed and returned. State that the matter will not proceed until it has been received.
within 5 days of receipt	Similarly, ask the headteacher/chair/governor for their information, the names of any witness(es) they wish to call and their written, signed and dated statement(s) by the same specific cut off time and date (usually 7 working days). Advise of their right to be accompanied to the meeting by an adviser/representative. It is their responsibility to give copies of any documents to any adviser/representative. Any delay in doing so, will not affect the proceedings. It is the head's decision whether or not to ask members of school staff to attend the meeting, subject to the discretion of the committee chair
within 20 days of initial receipt	Arrange for the meeting of the complaints committee to be held within 20 working days, liaising with all parties for a mutually convenient date, time and location. The governors forming the committee should, as far as practicable, represent a balance of the governing body membership. It is helpful to include a parent governor. The headteacher cannot be a member of the committee.
within 3 days after the first cut off date	Prepare a covering schedule of each sides documents, clearly numbering the pages, copy and distribute them to the committee members, headteacher/governor and complainant.

	The clerk's letter distributing the papers to the complainant and head should specify a further 7 working day cut off for responses (as before), and state that it is very unlikely that any documents received later will be accepted by the committee.
within 3 days after the second cut off date	Prepare a covering schedule of each side's documents, clearly numbering the pages, copy and distribute them to the committee members, headteacher/governor and complainant, as before.
As soon as possible and at least 5 working days before the meeting date	Write to confirm the meeting date, time and location to the complainant, headteacher/governor and committee members. This letter must state that the meeting will go ahead in the absence of the complainant, unless a reason for absence acceptable to the committee is presented at the beginning of the meeting.

Attend and record the procedure followed at the meeting, the committee's decision and give a 'flavour' of the matters touched upon.

14 Meeting (hearing) procedure

Notes:

- Governors who are members of the committee should not have any prior knowledge.
- In exceptional circumstances, where that cannot be achieved, the governors forming the committee should not have more prior knowledge than the other members of the governing body.
- It is the responsibility of the committee chair to take control of the meeting, ensure that it is conducted fairly under the policy and procedure adopted, and that notes are taken.
- The aim of the meeting is to resolve the complaint and achieve reconciliation between the school and the complainant.
- While this is a formal process, the meeting should be as informal as possible and not be inhibiting or intimidating to the complainant.
- It is important that this appeal hearing is seen to be impartial and independent.
- The chair may adjourn the meeting at any time.
- The chair may instruct those present to disregard items that are outside the focus of the meeting, including any personal information about members of staff and should instruct the clerk to strike such information from the minutes.
- At the start of the meeting the only people present will be the committee members, headteacher/governor, complainant and clerk; and their friend/adviser/interpreter/ representative if attending. Witnesses are called later.

Minors, whether involved or not, should not normally attend any part of a governors' complaint committee meeting.

1. Exceptionally, in situations of undue aggression or where relationships have deteriorated to the point that a hearing is unlikely to be able to make reasonable progress, the committee may hear the parties' statements separately, ie with only one party present, in turn, before calling them together for questions to be put. In this situation, it is important that no additional information is introduced that is not made available to the other party.

14.1 In conducting the meeting, the chair should:

a) Welcome everyone and invite those present to introduce themselves

b) Check that the complainant received the papers and a copy of the meeting procedure in advance

c) State that all papers distributed in advance will be taken as read. Ask the parties not to quote at length from the papers, but to assist by referring to page numbers and extracts when necessary

d) Tell the parties how much time will be allowed for the meeting overall, how long will be allowed for each side to present their information, including question time and summing up, and for the committee members to reach their decision.

e) Take any procedural points and clarify if necessary

f) Ask the parties if they have any questions about the procedure and deal with them

g) Invite the complainant to confirm that the complaint is as summarised on part 2 of the form in Appendix 1. If not, obtain clarification. What is stated at this point will be the focus for governors' subsequent decision

h) Invite the complainant to give their information and draw key points to the governors' attention. This should exclude any new information that has not been submitted already

i) Should the complainant have failed to clarify and establish a complaint against the headteacher by this point, the head may wish to make a statement that there is no case for them to answer. The committee will consider such statement at this point, adjourning to consult and take advice as necessary. If the committee members agree that no complaint against the headteacher has been formulated, they must inform the parties of this decision and may close the meeting.

Witnesses

i) Should the complainant wish to call witnesses, the chair will consider each request as it is made, consulting committee members/advisers as appropriate and rule on the matter. Each witness, having contributed their information, may be questioned by the other party and the committee members in turn, and the witness will then leave the meeting

ii) Discretion should be exercised when children are witnesses and they should only be interviewed when the nature of the complaint is sufficiently serious to warrant it, and adult witnesses are not available. Minors must have a parent in attendance during the whole of their interview

k) Invite the headteacher to question the complainant on what has been presented

l) Invite governors to put questions on the information presented

m) Invite the head to respond to the complaint, similarly considering each request to call witnesses, including members of staff, as above

n) Invite the complainant to put questions to the head on what has been presented

o) Invite governors put questions on the information presented

p) Invite the head to sum up and make a final statement. New information is not to be introduced

q) Invite the complainant to sum up and make a final statement. New information is not to be introduced

r) Inform the complainant and headteacher that the committee will now consider its decision and write with that decision within 15 working days. Ask the parties to leave.

14.2 The governors then consider the complaint and evidence presented reach a decision and agree the reasons for that decision. The clerk and (committee's adviser) remains to advise and help governors with drafting their decision letter.

15 After the meeting

within 15 days of the meeting	The committee's agreed written decision will be sent by the clerk to both the complainant and headteacher. The clerk's letter must state that the decision is final.

The clerk will prepare the minutes in the usual way, recording the procedure followed, the governors' decision and give a flavour of the meeting.

The school must ensure that a copy of the papers is kept in accordance with Southwark Education's retention policy.

16 Adjournments under stage 4, governors' committee hearing

16.1 Once called, meetings cannot be adjourned without the agreement of the governors who form the committee. To consider a request for an adjournment, the committee must meet.

16.2 During a meeting, the chair may adjourn at any time to consult governors/advisers, or in response to a request, or allow time for composure etc. It is good practice to agree the duration of the adjournment and the time at which the parties should present themselves again for the meeting to continue.

16.3 If a meeting is adjourned to a future date, it is good practice to agree the date, time and location of the reconvened meeting before the parties leave. The clerk should be asked to make the necessary arrangements and confirm them in writing to all parties.

Appendix 1

COMPLAINT FORM

This form is to be used for stages 3 and 4 of the complaint procedure, after stages 1 and 2 have been explored. Part 1 must be completed and given to the Head within three months of the date of the incident arising. PLEASE WRITE CLEARLY.

Name:	
Address	
Post code:	Signature:
Daytime tel. no:	
Date of the incident complained of:	
School's name:	
Date of receipt of this form under stage 3, and by whom:	

Part 1 - please continue on a separate sheet if necessary. Any supporting documents should be submitted with this form.

When you have completed the above, please send it to the headteacher with copies of any supporting documents. If your complaint is against the headteacher or a governor, send it to the chair of the governing body via the school, or to the clerk. If your complaint is against the chair, send it to the clerk to the governors at the address below.

Please summarise your complaint:

Please summarise what outcome(s) you seek:

COMPLAINT FORM - Part 2

Please complete part 2 of the form if you want the Governors' Complaints committee to review the decision and/or the way in which the Head/Chair/Governor investigated your complaint, under stage 3. The Governors will not consider the matter until it has been investigated at stage 3.

Please continue on a separate sheet if necessary. Send parts 1 and 2 of this form to either the school's chair of governors, or the clerk at the address below. Any supporting documents should be submitted with this form, including any witness statements. Investigated your complaint, under stage 3. The governors will not consider the matter

Please summarise the reason(s) for your dissatisfaction: Please state what outcome(s) you seek: The names of your witnesses must be given here:

The procedure and strict deadlines are given in sections 13 and 14 of the complaints procedure. If part 2 (above) is not completed and received by the chair or clerk within 15 days of the date of the headteacher's decision letter, it will be assumed that the complaint has been resolved and laid to rest. The matter will not proceed to the governors under stage 4

Appendix 2

MATTERS THAT ARE NOT COVERED BY THIS POLICY

The following concerns and complaints cannot be considered under this policy. There are separate policies and procedures that deal with them.

1 Staff capability and/or disciplinary issues
2 Admissions to schools
3 Anonymous complaints, unless there are exceptional circumstances, for example serious concerns about child protection issues
4 Spurious or vexatious complaints
5 Special education provision
6 Curriculum and religious worship (section 409 of the Education Act 1996)
7 Curriculum at Pupil Referral units
8 Pupil exclusion from school
9 School reorganisation proposals
10 The allocation of resources to service users according to agreed criteria
11 Those covered by the Children act 1989
12 Those that are the subject of legal proceedings, or have been so
13 Those being considered by the Secretary of State under statutory power
14 Those relating to a third party service provider, which must be referred to that person or organisation
15 When it is more than three months since the incident complained of is raised for the first time, unless it forms part of an existing concern or complaint under investigation
16 When it is more than three months since a staff member complained of left the employment of the school, except under the most exceptional circumstances

Appendix 3

LEGAL FRAMEWORK

1 Section 29(1)(a) of the Education Act 2002, effective 1 September 2003. Web link to the Act – http://www.legislation.hmso.gov.uk/acts/acts2002/20032--f.htm#29

2 The decision of the governors' complaints committee is final. If a complainant believes that a governing body has acted unreasonably or failed to carry out its statutory duties properly, they may complain to the Secretary of State under sections 496 or 497 of the 1996 Act.

We would like to thank the National Association of Headteachers, Archdiocese of Southwark Commission for Schools & Colleges and Southwark Diocese Board of Education for allowing us to draw on their model complaint policies and procedures.